

**REMARKS**

**INTRODUCTION**

In accordance with the foregoing claims 1, 2, 6-12, and 19 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-19 are pending and under consideration. Reconsideration is respectfully requested.

**REJECTION UNDER 35 U.S.C. §102(e)**

In the outstanding Office Action at page 2, claims 1, 3-12, and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,829,430 to Ashizaki, et al. This rejection is traversed and reconsideration is requested.

Independent claim 1 is directed to an information providing method. In relevant part, independent claim 1 has been amended to recite that "the content includes data symbolizing an area which corresponds to the photographing position information and fee information which corresponds to the data." Independent claim 6 is directed to an information receiving method and, in relevant part, has been amended to recite that "the content includes data symbolizing an area which corresponds to the photographing position information and fee information which corresponds to the data. Independent claims 7-12 and 19 have been similarly amended. Support for these amendments to independent claims 1, 6-12, and 19 can be found in the originally filed Specification, for example, at least at page 7, lines 14-24.

Ashizaki, et al. is directed to an image recording apparatus that can obtain a train of parallax images for preparing a holographic stereogram, without the necessity of laying rails. Applicant respectfully submits that Ashizaki, et al. fails to teach or suggest a position-distinction contents database that stores photographing position information and the contents in a correlated manner, "wherein the content includes data symbolizing an area which corresponds to the photographing position information and fee information which corresponds to the data," as recited in amended independent claims 1, 6-12, and 19.

Thus, Applicant respectfully submits that Ashizaki, et al. fails to teach or suggest all of the features of amended independent claims 1, 6-12, and 19, and those claims depending directly or indirectly therefrom. Accordingly, for at least the reasons set forth above, Applicant respectfully submits that amended independent claims 1, 6-12, and 19, and those claims

depending directly or indirectly therefrom, patentably distinguish over the prior art and are in condition for allowance.

### **REJECTION UNDER 35 U.S.C. §103**

In the Office Action at page 5, claims 2, 14, 16, and 18 were rejected under 35 U.S.C. §103 as being unpatentable over Ashizaki, et al. in view of U.S. Patent No. 6,173,407 to Yoon, et al. This rejection is traversed and reconsideration is requested.

Yoon, et al. is directed to a method of authenticating and charging a client using a web infoshop service system. Yoon, et al. is relied upon to teach only an information providing method comprising the step of calculating an appropriate fee for providing content. Yoon, et al. Applicant respectfully submits that Yoon, et al. also fails to teach or suggest a position-distinction contents database that stores photographing position information and the contents in a correlated manner, "wherein the content includes data symbolizing an area which corresponds to the photographing position information and fee information which corresponds to the data," as recited in the independent claims from which claims 2, 14, 16, and 18 directly or indirectly depend. Thus, Yoon, et al. fails to cure the deficiencies of Ashizaki, et al. noted above with respect to the independent claims.

Accordingly, Applicant respectfully submits that Ashizaki, et al. and Yoon, et al., whether taken alone or in combination, fail to teach or suggest all of the features of dependent claims 2, 14, 16, and 18. Thus, Applicant respectfully submits that claims 2, 14, 16, and 18 patentably distinguish over the prior art and are in condition for allowance.

In the Office Action at page 6, claims 13, 15, and 17 were rejected under 35 U.S.C. §103 as being unpatentable over Ashizaki, et al. in view of U.S. Patent No. 6,829,430 to Rhoads. This rejection is traversed and reconsideration is requested.

Rhoads is directed to a method of encoding object specific information into video or an accompanying audio track to transform video objects into "watermark enabled" video objects that provide information, actions, or links to additional information during playback of a video or audio-visual program. Rhoads is relied upon to teach only "transmitting the inserted and edited photographed data to the user based on information specifying the user, to increase a value of the photographed data as a commemorative photograph wherein the photographed data accepted from the user includes the information specifying the user." In support of this assertion, the Office Action cites Rhoads at col. 8, lines 9-34. The cited portion of Rhoads, however, teaches only that a user designates a video object and auxiliary information to be

encoded in the video object, and that the location of this auxiliary information within the video object can be specified by the user, and then a watermark is created for each frame. For at least this reason, Applicant respectfully submits that, in contrast to the assertion made in the Office Action, Rhoads fails to teach or suggest "transmitting the inserted and edited photographed data to the user based on information specifying the user, to increase a value of the photographed data as a commemorative photograph wherein the photographed data accepted from the user includes the information specifying the user."

Further, Applicant respectfully submits that Rhoads also fails to teach or suggest a position-distinction contents database that stores photographing position information and the contents in a correlated manner, "wherein the content includes data symbolizing an area which corresponds to the photographing position information and fee information which corresponds to the data," as recited in the independent claims from which claims 2, 14, 16, and 18 directly or indirectly depend. Thus, Applicant respectfully submits that Rhoads fails to cure the deficiencies of Ashizaki, et al. noted above with respect to the independent claims.

Accordingly, Applicant respectfully submits that Ashizaki, et al. and Rhoads, whether taken alone or in combination, fail to teach or suggest all of the features of dependent claims 13, 15, and 17. Thus, Applicant respectfully submits that claims 13, 15, and 17 patentably distinguish over the prior art and are in condition for allowance.

Applicant notes that the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art. "... [the Examiner] can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." In re Fritch, 23 USPQ 2d 1780, 1783 (Fed. Cir. 1992). In addition, the mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. Id. at 1783-84. Applicant respectfully submits that the Office Action provides absolutely no motivation to combined Ashizaki, et al. and Yoon, et al. or Ashizaki, et al. and Rhoads. Rather, conclusive statements are made such as "it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Yoon with the method of Ashizaki in order to generate revenue for the content provider," and "it would have been obvious to an artisan at the time of the invention to include Rhoads' teaching with the method of Ashizaki in order to allow use to encode auxiliary information."

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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